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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,014	11/30/2001	Robert D Fish	323.09-US1	2166
34284	7590	12/04/2003	EXAMINER	
ROBERT D. FISH; RUTAN & TUCKER, LLP			LE, UYEN T	
P.O. BOX 1950			ART UNIT	
611 ANTON BLVD., 14TH FLOOR			PAPER NUMBER	
COSTA MESA, CA 92628-1950			2171	
DATE MAILED: 12/04/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,014	FISH, ROBERT D	
	Examiner Uyen T Le	Art Unit 2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 November 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

4) Interview Summary (PTO-413) Paper No(s). _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Claim Objections

1. Claims 2, 4, 7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 12, 18, 19, 21 are rejected under 35 U.S.C. 102(a), (e) as being anticipated by Tomiyasu (US 6,134,187).

Regarding claim 1, Tomiyasu discloses a system stored on a computer readable medium including a matter specific timer based reminder mechanism (see the abstract).

Regarding claim 12, Tomiyasu discloses the claimed method (see Figure 9). The claimed user-defined data identifiers stored on a database are met when Tomiyasu shows Figure 5. The claimed user interface with scrollable listing of identifiers is met by Figure 9. The claimed “selecting a subset...matter”, “entering...subset” and

"interactively...text data" are met when the user enters the setup screen and selects the desired features (see Figure 9).

Regarding claim 18, the claimed first designation interface is met when Tomiyasu shows that the user selects a year. The claimed second designation interface is met when Tomiyasu shows that the user selects a month. The claimed selection interface is met when Tomiyasu shows that a user selects a date. The claimed interactive display is met by Figure 9. Clearly the listing of all non -selected milestones is not displayed since non-selected items are not of interest to the user.

Regarding claim 19, the selected subset of milestones has to be displayed in the system of Tomiyasu for the user to see what has been selected.

Regarding claim 21, Tomiyashu discloses all the claimed subject matter including a routine that calendars a future task based on a date rule and a count-down timer that is preset by a user or by default (see the abstract, Figures 4-11, columns 2-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-11, 13-17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomiyasu (US 6,134,187).

Regarding claims 2-11, 13-17, although Tomiyasu does not specifically show the claimed features, since the system serves as a reminder, it would have been obvious to

one of ordinary skill in the art to include the claimed features depending on users' applications.

Regarding claim 20, since users are not interested in non-selected milestone, it would have been obvious to one of ordinary skill in the art to not display them on the interactive display.

Conclusion

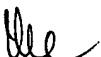
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukutomi (US 5,568,451) teaches compact electronic apparatus.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T Le whose telephone number is 703-305-4134. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahić can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


Uyen Le
Primary Examiner
AU 2171

1 December 2003